

Memorandum of Conversation

DATE: October 9, 1965

SUBJECT: B-26 AIRCRAFT: DISCUSSION WITH EDWIN MARGER,
COUNSEL FOR JOHN HAWKE

PARTICIPANTS: Edwin Marger, Miami Beach attorney
Herbert Reis, L/MUR

COPIES TO: L - Mr. Mecker
WE - Mr. Funseth
INR - Mr. Ekern
G/PM - Mr. Meyers
MC - Mr. Sipes
Justice - Mr. Weldon
L/EUR

Summary

The following is a summary of this conversation:

Marger concludes that the transaction was run by the CIA or, at the least, that "the U.S. went along" with it.

Marger intends to see the Portuguese Ambassador. He wants to go to Portugal to talk to Board and Griggers. He intends to see Rep. Cramer and in other ways give as much publicity as possible to this transaction, including allegations of USG involvement, as he thinks would help Hawke.

Marger inquired as to the possibility of dropping the indictment as against Hawke if he could obtain Board's return to the U.S. He wanted to know whether the USG would agree to the transfer of the remaining B-26's to Portugal in exchange for Portuguese cooperation in returning Board.

Details

Edwin Marger, attorney for John Hawke, the B-26 pilot, came in at his request at 10:00 a.m. He stayed about seventy-five minutes.

/ Marger

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Marger said he was convinced that Hawke is innocent of any intent to violate U.S. laws, although he admits the fact of Hawke's flights.

Marger began by referring to the long-standing acquaintance of Hawke, Gregory Board and Martin Caidin, a Florida aviation writer. They had flown B-17's for a film. In February 1965, Caidin and a pilot named Kanes (?) flew to Tucson to talk to Board. Board told them he wanted to get B-26 aircraft to Portugal, and said this was a "U.S. Government situation" (Marger's words). Caidin suggested Hawke pilot the aircraft.

Marger said that Customs agents in Miami have a three-hour tape of Kanes' statement to them which confirms these facts. He said he could produce the tape if we needed it.

According to Marger, Kanes asked Hawke to fly. Hawke was offered, and accepted, a gross fee of \$3,000 for ferrying each aircraft. Hawke's net take, after paying for gas and maintenance was about \$750 per aircraft. Kanes implied to Hawke that the transaction was "a Government hush-hush operation"; Kanes did not say anything about CIA involvement. He gave Hawke a "secret code" and repeated his statement of "government" involvement. Kanes told Hawke that the aircraft would be used in Mozambique and Angola to counteract the subversive training of Africans in Tanganyika.

Marger insisted that Hawke's conduct of the ferrying operation was open and above-board. The "fact" of Hawke's openness is shown by his mailing postal cards from Portugal and by his public purchases of gas, Lisbon-New York commercial air passage and filing flight plans for entry into Canada--all in Hawke's own name.

Marger was convinced of USG involvement. He said that, on the second B-26 flight, Hawke had inadvertently flown directly over the White House. This was in June or July. Hawke had immediately been instructed to land, and, on landing at National Airport, was met by two FAA representatives. Since that day was his anniversary, Hawke flew to Miami by commercial plane. He returned the next morning, talked to the FAA representatives and two FBI agents; they had inspected the B-26 and seen the arms on it.

Marger has since tried to get the FAA records but there are none. Marger concludes that the FAA and FBI must have been instructed to let the aircraft go.

Continuing this second flight, Hawke landed at Rochester where a Customs agent inspected the aircraft and told him to proceed. Hawke flew on to Canada, the Azores and Tancos AFB.

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A further "proof" of USG involvement occurred during the first aircraft delivery. While enroute from Canada to the Azores, Hawke lost radio contact. There then occurred a "Phase I alert" but nothing further happened.

Recently, Caidin told Marger that Board had told him, Caidin, that this was "a Tanganyika operation".

Marger then discussed the events of October 8 in Buffalo. An indictment had been brought and an arraignment held. I asked how Hawke had pleaded; Marger said: "Not Guilty".

At Buffalo Marger had had a talk with Gordon Hamilton (president, Hamilton Aircraft, Tucson). According to Marger, Hamilton, on first becoming suspicious that the transaction was illegal, had brought it to the attention of the Customs Bureau. Hamilton had heard nothing further for three months. It was thus obvious to Hamilton that the USG was in some way involved.

Hawke

At this point Marger said/~~Hamilton~~ would probably go to jail. He would admit that he had ferried the aircraft.

Marger then said "This was either a CIA operation" or "the U.S. went along" with it. The presence of the U.S. air attache at Tancos AFB when the aircraft were delivered was further "proof" of this. I asked if he knew the attache's name. He said "No".

Continuing the report of his talk with Hamilton October 8, Marger said that Hamilton had related a conversation with John Sipes. Hamilton told Sipes that the Portuguese Government "badly" wanted the remaining 13 aircraft; what was the chance of an export license? Hamilton stated Mr. Sipes told him there was "a possibility" of letting the aircraft go if an assurance were obtained from Portugal that the aircraft would be used only if her colonies were invaded.

Marger said he assumed the State Department would be worried about the way Mozambique and Angola "were going" and would fear a communist takeover. "Better a dictator like Salazar" than all this talk of liberty/equality/fraternity for the natives.

Marger claimed that he has done everything to avoid publicity but can do so no longer. The only way to save Hawke is to make public the fact that Hawke was merely a puppet. Marger had thought that CIA complicity plus Hawke's cooperation with Customs and the grand jury would lead to his not being indicted. Customs officers at Miami--Wallie Shanley and

/Yarborough

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Yarborough (?) -- had wanted Hawke to be a material witness, not a defendant.

Marger said he wasn't being paid anything by Hawke, who had no money. Marger subsequently said that "a magazine" would finance his trip to Portugal.

Marger intended to call on Rep. Cramer. Although the Congressman was a Republican and Marger a Democrat, the Congressman "would love" publicity of this sort.

Returning to the USG-involvement theme, Marger said that Grady Hunter, a Customs agent at Buffalo had said he "had the word" concerning CIA involvement. Of course, Marger knew that the Agency would not admit involvement. However, a discussion in Congress on this matter would take place. The transaction made good reading. He asked whether all this publicity would not better be avoided. I replied that the prospect of a public trial was perfectly clear when the Government decided to seek an indictment. It was known that there would be publicity, given the James Bond aspects of the matter. I explained something of the background of existing U.S. policy with regard to the export of arms and military equipment to Portugal, noted Governor Stevenson's statement in the Security Council in the summer of 1963, and said that we regarded the violation of our export control regulations as being very serious indeed.

Marger said that an article would appear in the October 10 New York Herald Tribune. He said that Portugal "should have the airplanes". He was worried about de Montmarin's raising bail; de Montmarin would flee, leaving Hawke as the only defendant at the trial. However, Hamilton would testify that "Hawke was duped".

I asked about the indictment. Marger said Hawke had been indicted on the substantive illegal export charge for two aircraft only. I asked why. Marger replied that the USG was "being nice" to Hawke. He said the Customs agents in Miami and John Curtin, the U.S. Attorney in Buffalo, had been nice throughout.

I asked why the aircraft had been flown via Canada; economy would have suggested a different course. Marger answered that Canada does not maintain controls; besides, the US-Canada-Azores-Tancos route was not uneconomical.

Marger claimed that the Customs Bureau had not told Hamilton that the export of the B-26's was illegal. How could Hamilton have known? I said that the Secretary of State was charged with issuing or denying licenses for the export of military equipment, and that the logical place to have inquired was the State Department.

/Marger

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Marger said he intended to go to Portugal to see Board and Griggers. In response to my question, he said that Board was in Portugal or elsewhere in Europe; Griggers was in Portugal. Mr. Curtin had told Marger on October 8 that if Griggers came back he would be released on his own recognizance. Marger hoped to be able to get Griggers to return.

Marger asked whether we would ask for extradition. I replied that someone expert in extradition matters would have to look at the relevant treaty to determine whether the crimes charged were within its terms. I said we would of course like all the defendants back. Marger said that "The more defendants at the trial, the better it is for Hawke". I agreed.

Marger thought he might bring off a deal with the Portuguese Government; he would obtain delivery of the remaining 13 aircraft in return for the GOP's returning Board to the U.S. Could the indictment be dropped as against Hawke if Board came back? I said I could not give any assurance at all. The matter was in the hands of the U.S. Attorney in Buffalo.

Marger said that during our conversation Hawke was at the Portuguese Embassy trying to set up an appointment for this afternoon between the Ambassador and Marger. He intended to suggest to the Portuguese that they trade Board for 13 B-26's.

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